THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 19953 OF 1998

Dated: 06.06.2007

Ch. Lamnan Rao.

... Petitioner.

And

The Managing Director A.P. Dairy Development Corporation Federation Ltd., Lalapet, Hyderabad and two others.

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Respondents.

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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 19953 OF 1998

ORDER:

The petitioner's request for being considered for compassionate appointment was rejected by the respondents, vide impugned proceedings dated 29.12.1997, on the ground that the time limit stipulated for submission of such an application was one year and that the time limit had since expired. On the ground that the application was time barred, the petitioner's request was rejected.

Sri N. Mukunda Reddy, learned Counsel for the petitioner would refer to the letter submitted by the petitioner's mother on 29.12.1995 within twenty days of her husband's death requesting that a job be provided to her son. Receipt of this letter is, however, disputed by the respondents.

Sri N. Dilip Rao, learned Standing Counsel for the respondent corporation would submit that there is no scheme for compassionate appointment in the respondent organization and that there is a scheme for monetary compensation. Learned Counsel would refer to the order of this Court in Writ Petition No. 5709 of 2000 dated 07.08.2000 and Writ Petition No. 20613 of 2000 dated 25.01.2002 to submit that the writ petition could be disposed of directing the respondent to extend the monetary package as expeditiously as possible preferably within six weeks, on the petitioner's making an application seeking monetary package.

Sri N. Mukunda Reddy, learned Counsel for the petitioner would, however, place reliance on a Division bench judgment of this Court in Writ Appeal No. 367 of 1996 dated 10.04.1996, wherein the Division bench held that the monetary package scheme could not have retrospective application. In the present case, it may be seen that the monetary package scheme in lieu of appointment came into force on 19.12.1995 even prior to the petitioner having submitted an application seeking compassionate appointment and as such the judgment of the Division bench in Writ Appeal No. 367 of 1996 dated 10.04.1996 is of no assistance.

In the light of the fact that a monetary package scheme, in lieu of appointment on compassionate grounds, is in force in the respondent corporation and in view of the directions of this Court in W.P. No. 5709 of 2000 dated 07.08.2000 and W.P. No. 20613 of 2000 dated 25.01.2002, ends of justice would be met if the petitioner is permitted to submit a representation seeking benefits under the monetary package scheme dated 19.12.1995, formulated pursuant to the meeting of Board of Directors held on 12.09.1994.

Sri N. Mukunda Reddy, learned Counsel for the petitioner, would submit that the petitioner would make a detailed representation within two weeks from the date of a copy of this order. The respondent shall, consider the petitioner's application in accordance with the monetary package scheme, and extend to him the benefits as prescribed under the scheme, within a period of six weeks from the date of receipt of such representation.

The writ petition is disposed of accordingly. No costs.

Date: 06.06.2007 RAMESH RANGANATHAN, J

MRKR